

PTO/SB/64 (10/01)

Approved for use through 10/31/2002. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. Department of Commerce

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		DOCKET number (Optional) 430500-11
First named inventor: Heeney, et al.		
Application No.: 10/502,031		Art Unit:
Filed: July 20, 2004		Examiner:
Title: Treatment of MS with Goat Serum		
Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450		
<p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.</p> <p style="text-align: center;">APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none">(1) Petition fee;(2) Reply and/or issue fee;(3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and(4) Statement that the entire delay was unintentional. <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity - fee \$ <u>1,500.00</u> (37 CFR 1.17(m))</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____.</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee of \$_____.</p> <p><input type="checkbox"/> has been paid previously on _____.</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box CN, Washington, D.C. 20231.

PTQ/SB/84 (10/01)

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U.S. Patent and Trademark Office; U.S. Department of Commerce
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W

Date _____

Number:

(973)994-1700

Signature

Typed or printed name

Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein

5 Becker Farm Road

Roseland, New Jersey 07068

Address

Enclosures: ☒ Fee Payment

- ☒

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

-

Date _____

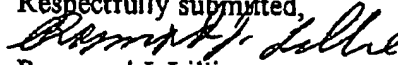
Signature

Type or printed name of person signing certificate

As noted in Applicants' response filed on June 26, 2006, the declaration of Gareth Williams was filed because one of the inventors, Jonathan Heeney, did not execute the oath or declaration. Mr. Williams, who was responsible for prosecution of corresponding PCT Application No. PCT/GB03/00342, was unable to obtain Mr. Heeney's signature.

It is therefore respectfully requested that the above-identified application be revived, and that the application, pursuant to 37 CFR 1.48, be accepted without the executed oath or declaration of Jonathan Heeney.

Respectfully submitted,



Raymond J. Lillie

Registration No. 31,778



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1435
Alexandria, Virginia 22313-1435
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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10/502,031

Jonathan Hecney

430500-11

Raymond J Lillie Carella Byrne
Bain Gilfillan Cecchi Stewart & Olstein
5 Becker Farm Road
Roseland, NJ 07068

DATE RECEIVED:	5-10-06
DATES ENTERED:	
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CONFIRMATION NO. 8730
ABANDONMENT/TERMINATION
LETTER

Date Mailed: 05/08/2006

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 12/06/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

- A properly itemized date-stamped postcard receipt (see MPEP § 503);
- If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
- If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37

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CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

*A copy of this notice **MUST** be returned with the reply.*

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE MATTER OF US
PATENT APPLICATION
10/502,031

DECLARATION

I, Gareth Williams, of Marks & Clerk, 66-68 Hills Road, Cambridge CB2 1LA, United Kingdom, declare as follows.

1. I am a Chartered Patent Attorney and European Patent Attorney, and practise in the UK.
2. International Patent Application PCT/GB03/000342 was filed by Marks & Clerk on behalf of Aimsco Limited, naming four inventors : Angus G Dalglish, Jonathan Heeney, and Stanley D T White.
3. On 14 July 2004, Marks & Clerk sent instructions to Raymond J Lillie, of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, of 5 Becker Farm Road, Roseland, NJ 07068, United States of America, to enter the US National Phase of PCT/GB03/000342.
4. Mr Lillie took the necessary steps to do so, and the application was assigned application number 10/502,031 by the USPTO. Mr Lillie forwarded an assignment and declaration document for the application to me on 5 January 2005.
5. These papers were forwarded on 12 January 2005 by our formalities department to Aimsco's UK lawyer, Richard Gerstein of Goodman Derrick, 90 Fetter Lane, London EC4A 1PT, United Kingdom, with instructions to obtain signatures of the three inventors. Mr. Gerstein has subsequently changed firms to Matthew Arnold & Baldwin, 21 Station Road, Watford, Hertfordshire WD17 1HT, United Kingdom.
6. Mr Gerstein has informed me that he has sent the assignment and declaration documents to Mr Heeney's last known address, Vrijburgstraat 25, 2275 BX, Voorburg, The Netherlands. Mr Gerstein has also attempted to fax the documents to Mr Heeney's last known contact number, +31 70 386 8557, although this number now appears to be unobtainable.
7. To date, Mr Gerstein has told me he has received no response from Mr Heeney.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such wilful false statements may jeopardise the validity of the application or any patent issued thereon.


Gareth Williams

20 March 2006

DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TREATMENT OF MS WITH GOAT SERUM

the specification of which ☐ is attached hereto or ☒ was filed on 20 July 2004 as Application Serial No. 60/581,699 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37 Code of Federal Regulations Section 1.56(a).

I hereby claim foreign priority benefits under Title 35 United States Code Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s):

PCT/GB02/03037 (Number)	PCT (Country)	2 July 2002 (Day/Month/Year Filed)	Priority Claimed	
			Yes	No
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>0201896.8</u> (Number)	<u>United Kingdom</u> (Country)	<u>28 January 2002</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35 United States Code Section(s) 119 and/or 120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 United States Code Section 112 I acknowledge the duty to disclose material information as defined in Title 37 Code of Federal Regulations Section 1.56(a) which occurs between the filing date of the prior application and the national or PCT international filing date of this application:

<u>PCT/GB03/00342</u> (Application Serial No.)	<u>January 28, 2003</u> (Filing Date)	<u>Pending</u> (Status - pending provisional, patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status - pending provisional, patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: John N. Bain (Reg. No. 18,651); John G. Gilfillan, III (Reg. No. 22,746); Elliot M. Olstein (Reg. No. 24,025); Raymond J. Lillie (Reg. No. 31,778); William Squire (Reg. No. 25,378); Alan J. Grant (Reg. No. 33,389); Francis C. Hand (Reg. No. 22,280); Glennon G. Troublefield (Reg. No. 39,050); Raymond E. Stauffer (Reg. No. 47,109), and Michael A. Petrocelli (Reg. No. 53,461). Address correspondence and telephone calls to Raymond J. Lillie, Esq., c/o Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart Olstein, 5 Becker Farm Road, Roseland, NJ 07068 - (973) 994-1700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that each willful false statement may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Jonathan Heeney

Inventor's signature _____ Date _____
Residence _____ Citizenship Canada
Post Office Address Vrijburgstraat 25
2275 BX Voorburg, Netherlands

Name of second inventor:

Annus George Dalglish

Inventor's signature

Residence

Post Office Address

7 Burdon Lane

Chéam

Surrey Su12 7PP

United Kingdom

Date

18/1/05

Citizenship

United Kingdom

Full name of sole third inventor:

Stanley D.T. White

Inventor's signature

Residence

Post Office Address

315 Czeski Road

P.O. Box 226

Hardwick, Massachusetts 01037

Date

Jan 19, 2005

Citizenship

U.S.A.

Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein P.A.
ATTORNEY BUSINESS ACCOUNT REIMBURSEMENT ACCOUNT
5 BECKER ROAD, ROSELAND, NEW JERSEY 07068

CHECK DATE: 04-03-2006

CHECK NO: 12507

PAYEE: HON. COMMISSIONER OF PATENTS

CLIENT:

CHECK AMOUNT: \$1,500.00

OUR FILE: 430500.11

REQUESTED BY: Kelly

Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein P.A.
ATTORNEY BUSINESS ACCOUNT REIMBURSEMENT ACCOUNT
5 BECKER FARM ROAD, ROSELAND, NEW JERSEY 07068

Check No: 12507

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EXECUTIVE OFFICE
NEWARK, NJ. 07102

ONE THOUSAND FIVE HUNDRED AND 00/100 U.S. DOLLARS

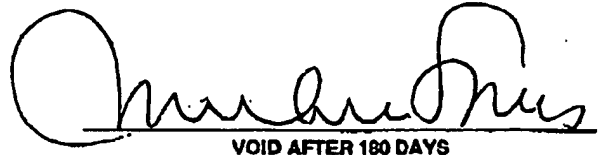
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PAY
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Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein P.A.
ATTORNEY BUSINESS ACCOUNT REIMBURSEMENT ACCOUNT
5 BECKER ROAD, ROSELAND, NEW JERSEY 07068

CHECK DATE: 04-03-2006

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CLIENT:

CHECK AMOUNT: \$1,500.00

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REQUESTED BY: Kelly